

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MMCA GROUP, LTD.,

Plaintiff,

v.

HEWLETT-PACKARD CO. et al.,

Defendants.

No. C-06-7067 MMC

**ORDER GRANTING DEFENDANT  
BUSINESS RISKS INTERNATIONAL  
LIMITED (U.K.)'S AMENDED MOTION  
TO DISMISS**

Before the Court is defendant Business Risks International (U.K.)'s ("BRI") Amended Motion to Dismiss, filed August 15, 2008 pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has filed opposition, to which BRI has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter suitable for decision thereon, see Civil L.R. 7-1(b), and rules as follows.


As BRI points out, the Court, by order filed May 29, 2008, dismissed pursuant to Rule 12(b)(6) plaintiff's Second Amended Complaint as against defendant Pinkerton Consulting & Investigations, Inc. ("PC&I"). As BRI further points out, the only basis alleged as to the liability of BRI is that "there exists an alter-ego and/or agency relationship between BRI and PC&I." (See Pl.'s Opp'n 6.) For the same reasons as PC&I was entitled

1 to dismissal, BRI likewise is entitled to dismissal.<sup>1</sup> Further, for the reasons stated in the  
2 Court's order of May 29, 2008, plaintiff's request for leave amend its complaint a third time  
3 will be denied.

4 Accordingly, BRI's motion to dismiss plaintiff's Second Amended Complaint is  
5 hereby GRANTED and plaintiff's Second Amended Complaint is hereby DISMISSED as  
6 against BRI.

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8 **IT IS SO ORDERED.**

9 Dated: September 16, 2008

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11 MAXINE M. CHESNEY  
12 United States District Judge  
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28 <sup>1</sup>In light of this ruling, the Court does not address BRI's alternative argument under Rule 12(b)(2).